

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA

-against-

DECLARATION
CR 11-1091 (S-1) (VM)
ECF Case

THOMAS DELALLA,

Defendant.

-----X

ALAN J. SCHWARTZ, an attorney duly admitted to practice law in the State of New York and in the United States District Court for the Southern District of New York, declares under the penalty of perjury that the following facts, upon information and belief, are true. The source of your affiants information and belief is a review of the available public records, discovery material, and documents filed in this matter and provided by the Assistant United States Attorneys assigned to this case as well as conversations with co-counsel and our client, Thomas DeLalla.

This declaration, as well as the jointly filed memorandum of law, is filed in support of defendant's motion seeking the following relief:

1. That the Court direct the Government to file a bill of particulars which specifically enumerates which statements made by Thomas DeLalla in his disability application and the subsequent Disability Recertification form are alleged to be false, as well as which of Mr. DeLalla's medical conditions were falsified or exaggerated.

2. To join in any applicable motions for legal relief sought by counsel for similarly situated co-defendants, as well as to particularly join in a number of motions and applications by defense counsel, and for any and other relief the Court may deem just and proper.

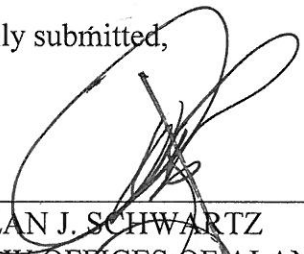
A brief summary of the applicable facts and any legal arguments in support of the materials

are set forth in the accompanying memorandum of law and incorporated in the motions filed by the various co-counsel.

Wherefore, your declarant respectfully requests an order granting the relief sought herein and for such other and further relief as the Court may deem just and proper.

DATED: September 14, 2012
Garden City, New York

Respectfully submitted,



By: ALAN J. SCHWARTZ
LAW OFFICES OF ALAN J. SCHWARTZ, P.C.
Attorneys for Defendant THOMAS DELALLA
1010 Franklin Avenue, 2nd floor
Garden City, New York 11530-2900
(516) 248-6311
alan@ajslaw.com